

**REMARKS**

After the foregoing Amendment, claims 2, 4, 7, 8, and 25 are currently pending in this application. Claims 1, 3, 9-24, 26-34 are canceled without prejudice. Claims 2 and 25 are amended. All claim amendments are supported in the specification and/or the drawings. No new matter has been added.

**Claim Rejections - 35 U.S.C. § 103**

Claims 2, 4, 7, 8, and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaheen et al. (U.S. Ref. No. 20050048969), (hereinafter "Shaheen"), in view of Schneider et al. (U.S. Ref. No. 20060114889), (hereinafter "Schneider"), and Vikberg et al. (U.S. Ref. No. 20050239453), (hereinafter "Vikberg"). In view of the foregoing amendment, rejection of claims 26 and 27 is now moot.

Regarding claim 2, Shaheen discloses a method for wireless communication systems to query mobile stations operating in analog mode as the need arises for the detailed capability information required to deliver these features to those mobile stations. Shaheen further discloses a system a mobile station receives a protocol capability query order and confirms the order with a capability report

message. There is no disclosure, teaching, or suggestion in the Shaheen reference of selecting an operating mode of a wireless handset in connection with handoff.

Further, Shaheen discloses a mobile station listening for a broadcast signal from a base transceiver station which requests that the mobile station provide a communication protocol capability indication. There is no disclosure, teaching, or suggestion in the Shaheen reference of transmitting query messages in a first operating mode on a second wireless subsystem to a database after execution of a handoff to receive capability data, wherein the query messages contain information identifying the wireless subsystem to which the handset is then connected.

Schneider discloses a system that controls access to a communication network in accordance with a network service that includes a service controller and a network connector. The Schneider reference further discloses that predetermined data related to a requested service may be obtained using a push procedure that pushes the predetermined data into the network connection or a pull procedure that pulls the predetermined data into the network connection. There is no disclosure, teaching, or suggestion in the Schneider reference of transmitting query messages in a first operating mode on a second wireless subsystem to a database after execution of a handoff to receive capability data, wherein the query messages contain information identifying the wireless subsystem to which the handset is then connected.

Accordingly, the Schneider reference fails to cure the deficiencies of the Shaheen reference.

Vikberg discloses base station systems that are adapted to communicate with mobile terminals over a licensed public mobile network air interface and with a core network over a predetermined network interface. Vikberg further discloses a mobile terminal that retains identification information of the last public mobile network cell in which it was located. Under the Vikberg system, before handover is performed it is assumed that the mobile terminal has previously identified the strongest public mobile radio signal from a neighboring cell or retains the cell id of the last public mobile radio cell uses and subsequently passes the cell identity to a home base station controller via a home base station as part of a location update procedure. There is no disclosure, teaching, or suggestion in the Vikberg reference of transmitting query messages in a first operating mode on a second wireless subsystem to a database after execution of a handoff to receive capability data, wherein the query messages contain information identifying the wireless subsystem to which the handset is then connected.

Accordingly, the Vikberg reference fails to cure the deficiencies of the Shaheen and Schneider references.

Therefore, amended independent claim 2 is patentable over the Shaheen, Schneider, and Vikberg references, whether taken alone or in any combination with one another.

Claims 4, 7, 8, and 25 are dependent, either directly or indirectly, upon amended patentable independent claim 2 and are therefore patentable for at least the same reasons as amended patentable independent claim 2.

Based on the arguments presented above, withdrawal of the 35 U.S.C. 103(a) rejection of claims 2, 4, 7, 8, and 25 is respectfully requested.

**Conclusion**

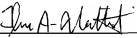
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

**Applicant:** Heller et al.  
**Application No.:** 09/871,154

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Heller et al.

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